

REMARKS

By this amendment, claims 1-22 have been amended and are pending in the application. Applicant reserves the right to pursue the subject matter of the original claims and other claims in this and other applications. Claims 1-22 have been amended to correct minor error unrelated to any rejection and are now believed to be in better condition for allowance.

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bienn et al. (US 2003/0169729) in view of Kongalath (US 2005/0083862). This rejection is respectfully traversed. Kongalath is not prior art with respect to the claims of the present application.

The filing date of Kongalath is October 20, 2003. The present application claims priority to Patent Cooperation Treaty (PCT) Application No. PCT/CN2004/000325, filed April 8, 2004, which claims priority to Chinese Patent Application Serial No. 03149955.4, filed July 31, 2003. Accordingly, since the present application claims priority to an earlier filing date, Kongalath is not a proper prior art reference under 35 U.S.C. § 103(a).

Furthermore, claim 1 recites a method for migration between a permanent connection and a switched connection in a transmission network comprising, *inter alia*, “making migration between a permanent connection and a switched connection node by node after receiving the message of connection migrating request” (emphasis added). Applicant respectfully submits that Bienn et al. and Kongalath, even when combined, fail to teach or suggest at least these features.

To the contrary, Bienn et al. teaches “call clearing in a mobile network while interworking between a legacy circuit-switched domain and a packet-switched domain.” ¶ [0002]. Bienn et al. relates to call clearing when a call goes through multiple types of networks, i.e., circuit-switched (CS) networks to packet-switched (PS) networks. ¶ [0040]. Both

of these are switched connections – neither is permanent. In other words, Bienn et al. does not relate to how to achieve a migration within a single network, but rather teaches how to achieve the call clearing for a call going through multiple types of networks after the migration. Further, even though Bienn et al. uses the term “migration”, the so-called “migration” is between the PS network and the CS network, i.e. two types of networks, which is totally different from a migration between a permanent connection and a switched connection in the transmission network recited in claim 1.

The migration between the permanent connection and the switched connection of claim 1 is a migration between two types of connections in a transmission network. In other words, claim 1 of the present application recites a method which does not relate to two types of networks but the transmission network. Applicant respectfully submits that Bienn et al. does not disclose, teach, or suggest at least “making migration between a permanent connection and a switched connection node,” as recited in claim 1.

Nor is Kongalath cited for these features. Kongalath, which was recited for teaching “forwarding a message of connection migrating request node by node,” actually teaches only transferring information from one node 202 to another node 206. ¶ [0038]-[0039]. Thus, Kongalath does not remedy the deficiencies of Bienn et al.

Since Bienn et al. and Kongalath do not teach or suggest all of the limitations of claim 1, claim 1 and dependent claims 2-22 are not obvious over the cited combination. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 1-22 be withdrawn and the claims allowed.

In view of the foregoing remarks, Applicant respectfully requests that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney, Rachael Lea Leventhal, at 202-861-1606 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

The Commissioner is authorized to charge the one-month Extension of Time Fee to Deposit Account 50-2036, referencing Attorney Docket 56815.1100. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 56815.1100.

Respectfully submitted,

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